



PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

272

Application Number	10/565,702
Filing Date	September 13, 2006
First Named Inventor	Richard Martin
Art Unit	1624
Examiner Name	Brenda Libby Coleman
Attorney Docket Number	05-1128-A1/980049.404US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) 1 Reference (268 pages) 2) PTO/SB/08A (1 page) 3) Postal Card for Acknowledgment of Receipt.
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	EXELIXIS, Inc.		
Signature			
Printed name	Carmen Pili Ekstrom		
Date	January 24, 2007	Reg. No.	34,981

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Laura A. Huntington	Date	January 24, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Richard Martin <i>et al.</i>	}	
	}	
Application No.: 10/565,702	}	Confirmation No.: 2568
	}	
Filing Date: September 13, 2006	}	Group Art Unit: 1624
	}	
Examiner: Brenda Libby Coleman	}	
	}	
Entitled: AZEPINE DERIVATIVES AS	}	
PHARMACEUTICAL AGENTS	}	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R §§ 1.97 and 1.98, the item identified and submitted with this Supplemental Information Disclosure Statement (IDS) is being brought to the attention of the Office. The item is listed on the attached PTO/SB/08A. The Examiner is requested to make this document of record.

The items identified in this IDS may or may not be “material” pursuant to 37 CFR § 1.56. The submission by the Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (CFR § 1.97(h)), or even qualifies as “prior art” or “analogous art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is before the mailing of the first Office Action on the merits. Thus, no fee is required. However, should the undersigned be in error in this regard, Applicants respectfully request that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

Copies of all of the items listed on the attached form PTO/SB/08A are enclosed. A concise explanation of their relevance is not given.


Citation of the above referenced documents shall not be construed as:

- 1) an admission that the documents are necessarily prior art with respect to the instant invention.
- 2) a representation that a search has been made, other than as described above, and
- 3) an admission that the information cited herein is, or is considered to be material to patentability as defined in § 1.56(b)

It is respectfully requested that the Examiner indicate consideration of the cited reference by returning a copy of the attached form PTO/SB/08A with initials or other appropriate marks. In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other necessary fees due in connection with the filing of this document to Deposit Account No. 50-1108, referencing 980049.404US. However, the Commissioner if not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 24, 2007

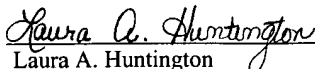
  
Carmen Pili Ekstrom  
For the Applicants  
Reg. No. 34,981

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**CERTIFICATE OF MAILING**

*I hereby certify that this paper, along with any document referenced as being attached or enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, VA, 22313-1450, on the date indicated below.*

Dated: Jan. 24, 2007

  
Laura A. Huntington

JAN 26 2007

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

Application Number	10/565,702
Filing Date	September 13, 2006
First Named Inventor	Richard Martin
Art Unit	1624
Examiner Name	Brenda Libby Coleman
Attorney Docket Number	05-1128-A1/980049.404US

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	r <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	MM-DD-YYYY			
	1	WO 2003/099821 A1	12/04/2003	X-CEPTOR THERAPEUTICS		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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